

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SCOTT EDWARD DALTON, }
Plaintiff, }
v. }
JOSEPH P. BURT, ESQ. and THE }
PUBLIC DEFENDERS OFFICE, }
Defendants. }

Civil Action No. 07-235 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on September 5, 2007, and was assigned to United States Magistrate Judge Susan Paradise Baxter.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on September 11, 2007, recommended that the action be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(d). Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3rd day of October, 2007;

IT IS HEREBY ORDERED that this action is DISMISSED as legally frivolous pursuant to 28 U.S.C. § 1915(d).

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on September 11, 2007, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge